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★ APR 25 2011 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

DARIUSZ NOWICKI on behalf of himself and on behalf of
all others similarly situated

Plaintiff,

Docket No.:10-cv-4877
(CBA)(JO)

-against-

TOLL BROTHERS, INC., K.S. CONSTRUCTION CO.,
and KAZIMIERZ SZWADER

Defendants.

X

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE AS
AGAINST TOLL BROTHERS, INC.**

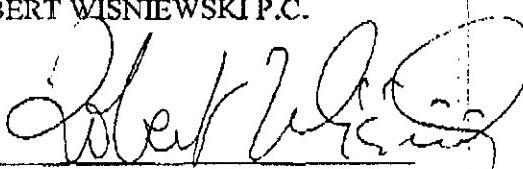
IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff Dariusz Nowicki ("Plaintiff") and Defendant Toll Brothers, Inc. (collectively, "Toll Bros.") and their respective attorneys that Plaintiff's claims against Toll Bros. are discontinued with prejudice without any admission or finding of liability against Toll Bros. without costs or fees to either party.

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This stipulation and order of dismissal has no effect on Plaintiff's claims against Defendants K.S. Construction Co. or Kazimierz Swader.

Dated: New York, NY
January 25, 2011

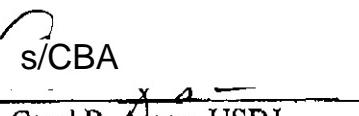
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SO ORDERED


s/CBA
Hon. Carol B. Anton, USDJ

2/3/11